

Message Text

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APPROVED BY STANLEY S. CARPENTER, DIRECTOR OF
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TO HICOMTERPACIS SAIPAN MARIANA ISLANDS

INFO DISTAD MARSHALL ISLANDS TERPACIS

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E.O. 11652:N/A

TAGS: PGOV, TQ

SUBJECT: DOD/DOI AGREEMENT RE DRI-ENEWETAK SETTLEMENT
AT JAPTAN ISLAND

DOTA NO. 409-TT

FOR DEPUTY HICOM. 1. FOLLOWING IS PROPOSED DOD/DOI
AGREEMENT FOR RETURN TO JAPTAN AS RECEIVED FROM DNA: QUOTE THIS
AGREEMENT MADE THIS DAY OF 1974, BY AND
BETWEEN THE DEFENSE NUCLEAR AGENCY, HEREINAFTER
REFERRED TO AS "DNA", AS PROJECT MANAGER FOR THE
DEPARTMENT OF DEFENSE, AND THE DEPARTMENT OF THE
INTERIOR, HEREINAFTER REFERRED TO AS "DOI".

WHEREAS, THE DRI ENEWETAK DESIRE THAT AN ADVANCE PARTY NOT
TO EXCEED FIFTY (50) PEOPLE BE PERMITTED TO RETURN TO
JAPTAN ISLAND, ENEWETAK ATOLL, M.I.; AND

WHEREAS, DOI ANNOUNCED TO THE DRI ENEWETAK ON 7 SEPTEMBER
1974 THAT SUCH AN ADVANCE PARTY COULD RETURN TO
JAPTAN ISLAND; PROVIDED HOWEVER, NO RETURN COULD TAKE
PLACE PRIOR TO EXECUTION OF AN AGREEMENT BETWEEN THE
UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE TRUST
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TERRITORY OF THE PACIFIC ISLANDS,(TTPI) TRANSFERRING

ENEWETAK ATOLL BACK TO TTPI;

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. A GROUP OF DRI ENEWETAK, NOT TO EXCEED FIFTY (50) IN NUMBER, MAY RETURN TO JAPTAN ISLAND AS SOON AS REASONABLY PRACTICABLE AFTER EXECUTION OF AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND TTPI TRANSFERRING ENEWETAK ATOLL BACK TO TTPI.

2. IT IS EXPRESSLY UNDERSTOOD THAT THE ISLANDS OF ENEWETAK ATOLL, BECAUSE OF THE PRESENCE OF RADIOACTIVE CONTAMINATION, DETERIORATED PHYSICAL STRUCTURES AND DEBRIS, POSE A POTENTIAL HAZARD TO THE HEALTH AND SAFETY OF THE DRI ENEWETAK; FURTHER, THE SUPPORT CAPABILITIES OF DNA ON THE ATOLL ARE LIMITED. ACCORDINGLY, THE DRI ENEWETAK WILL RESIDE ONLY ON JAPTAN ISLAND AND WILL NOT VISIT THE RADIOACTIVELY CONTAMINATED NORTHERN ISLANDS; FURTHER, THE DRI ENEWETAK WILL NOT GO TO OTHER ISLANDS FOR THE PURPOSE OF GATHERING MATERIALS OR SCRAP AND GENERALLY THEY WILL IN NO WAY HINDER DNA OPERATIONS ON THE ATOLL. MOVEMENT OTHER THAN AS HEREIN SPECIFIED WILL BE IN ACCORDANCE WITH AGREEMENTS BETWEEN TTPI AND FIELD COMMAND, DEFENSE NUCLEAR AGENCY (FC DNA).

3. EXCEPT AS OTHERWISE MAY BE AGREED, OR REQUIRED, DOI WILL ACT AS THE AGENT OF THE U.S. GOVERNMENT IN DEFENDING OR RESOLVING ANY CLAIMS OR LEGAL ACTIONS AGAINST THE U.S. GOVERNMENT, OR ANY AGENCIES THEREOF, WHICH MAY RESULT FROM THE SETTLEMENT OF THE DRI ENEWETAK ON JAPTAN ISLAND PURSUANT TO THIS AGREEMENT.

4. DOI IS RESPONSIBLE FOR PROVIDING OR ASSURING THE PROVISION OF ALL NECESSARY SUBSISTENCE AND SUPPORT FOR THE DRI ENEWETAK AT JAPTAN ISLAND.

5. DOI IS RESPONSIBLE FOR ASSURING COMPLIANCE ON THE PART OF THE DRI ENEWETAK WITH ALL RESTRICTIONS AND REGULATIONS NOW OR HEREAFTER ADOPTED BY DNA, AND GENERALLY FOR THE ADMINISTRATION OF CIVIL AND CRIMINAL LAW
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AMONG THE DRI ENEWETAK. IN FURTHERANCE OF THIS REQUIREMENT, DOI WILL ASSURE THAT A RESIDENT REPRESENTATIVE OF TTPI IS ASSIGNED TO LIVE ON ENEWETAK ATOLL.

6. DNA WILL PROVIDE, ON A REIMBURSABLE BASIS, EMERGENCY SUPPORT AND ASSISTANCE TO THE DRI ENEWETAK, AS AND IF AVAILABLE. THE DETERMINATION OF WHAT CONSTITUTES AN EMERGENCY SUPPORT REQUIREMENT AND OF THE AVAILABILITY

OF SUCH SUPPORT WILL BE MADE BY DNA.

7. THIS AGREEMENT WILL BE IMPLEMENTED BY TTPI AS
REPRESENTATIVE OF DOI AND FC DNA AS REPRESENTATIVE OF DNA.
UNQUOTE

2. OUR PRELIMINARY THOUGHTS ARE:

A. NO. 1.-- SHOULD CONTAIN A PROVISION WHICH SETS UP RETURN
AT DIRECTION OF DISTAD AFTER OTHER CONDITIONS
SATISFIED.

B. NO. 2.-- WE FEEL THAT THE LIMITING OF MOVEMENT FOR
SCRAP AND MATERIALS MAY BE TOO RESTRICTIVE.

C. NO. 3.-- THE ASSISTANT SOLICITOR HAS BEEN ASKED TO
ADVISE US ON THIS.

WE WOULD APPRECIATE YOUR INPUT BEFORE THE PROPOSED MEETING
IN D.C. ON NOVEMBER 25TH. AS RESPECTS THIS MEETING, WE SUG-
GEST THE DISTAD MARSHALLS BE INCLUDED, ALONG WITH MESSRS.
RICHMOND AND NEAS. SGD STANLEY S. CARPENTER.
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